

STATEMENT OF REP. JOHN CONYERS, JR.
Subcommittee on the Constitution
Hearing on "Limiting Federal Court Jurisdiction to
Protect Marriage For the States"
June 24, 2004

I should thank my Republican colleagues for one thing; for the first time, I truly understand the phrase "beating a dead horse." This is the fourth of five hearings on whether we should pass an amendment enshrining discrimination into the Constitution. All we have heard in this tedium is that right-wing conservatives really, really want a discriminatory amendment in the Constitution.

The fact is, though, that such an amendment does not have the two-thirds support it needs to pass in Congress. That begs the question of why we are even discussing it. To most Americans, the answer is clear: the Republican leadership wants to score political points with its right-wing base in an election year.

The point of this particular hearing is for Republicans to reiterate their opinion that federal judges do not share the values of mainstream Americans and thus should not hear cases involving same sex marriage. I think the word 'reiterate' is important because whenever a federal court issues a ruling that conflicts with their conservative leanings, the Republicans try to strip federal courts from hearing similar cases. They did not like the Ten Commandments or Pledge of Allegiance decisions, so they introduced numerous bills to prevent federal courts from hearing cases on those two declarations. They also severely limited the ability of federal courts to issue writs of habeas corpus for state convictions.

What is confusing is that Republicans strongly favor federal court jurisdiction in other instances. Last year, they made it a federal offense for a doctor to comply with a woman's right to choose. In the 1980's, the Republicans clogged up federal courts with new drug prosecutions that were normally handled at the state level. For at least a decade, they have been trying to move all tort cases from state to federal courts.

Finally, but for the highest federal court in the land overruling a state court and the will of the people, George W. Bush would not be the current occupant of the White House. I do not hear my conservative colleagues complaining about that instance of federal court overreaching.

My careful analysis of this matter shows that Republicans favor federal court jurisdiction when state courts and juries issue rulings that conservatives do not like. These areas generally include crime, torts, and presidential elections in which the Democratic candidate has won.